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**REMARKS**

Reconsideration of this application and withdrawal of the rejections set forth in the Office Action mailed June 14, 2005 is requested in view of this amendment and the following remarks. Claims 1-19 were pending and at issue prior to this amendment. Claims 12 and 15 have been amended herein and no new matter has been added.

**Rejection of Claims 12 and 15 as Being Indefinite**

The examiner rejected claims 12 and 15 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 12 and 15 have been amended herein to clarify that less than 3% of particles filter through a "mesh finer than a #20 mesh." This removes the internal contradiction of the claims pointed out by the examiner.

**Rejection of Claims 1-3, 7-9, 16, 17 and 21-23 as Being Anticipated**

The examiner rejected claims 1-3, 7-9, 16, 17 and 21-23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Nos. 5,979,164 (the '164 patent); 5,941,078 (the '078 patent); 5,809,786 (the '786 patent); 5,626,022 (the '022 patent). Applicants respectfully traverse this rejection and submit that it should be withdrawn because none of the cited prior art teaches or discloses all of the limitations of Applicants' claimed invention. Specifically, none of the cited references teaches or discloses a full panel pull-off having the structure and rigidity as required by Applicants' claimed invention. Instead, each of the cited references teaches and describes a foil or other suitable *film* which by definition is thin and relatively flexible. In addition, contrary to the examiner's conclusion, the prior art references do not show a thermal module cap having a radiused edge on the top surface where the barrier is attached. The top surface in the prior art reference is completely flat. The top surface, not the edge, may be considered radiused because the cross-section of the cap is circular. However, that is not what is claimed. The claim is

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directed to the cross-sectional shape of the top *edge*.

Turning first to the present invention, the claims require a “full panel pull-off” which has “sufficient strength and rigidity to prevent actuation of said actuator until said pull-off is first removed.” At most, the “safety seal” described in the cited prior art prevents inadvertent actuation, for example, from handling or shipping. The safety seals are disclosed as being films or foils, not rigid materials. These films are primarily tamper indicators and are not for preventing actuation. With sufficient force, the film can still be deformed sufficiently to actuate the thermal module and misuse or intentional vandalism is not prevented. The pull-off of the present invention not only prevents inadvertent actuation, but also intentional damage such as vandalism on store shelves. The full panel pull-off is sufficiently rigid that it prevents the actuator from being actuated until the pull-off is removed. This is a significant and patentable distinction.

As for the radiused edge of the top surface of the thermal module, as explained above, the cited prior art shows a completely flat edge, not a radiused edge.

Accordingly, these claims are not anticipated by any of the cited prior art and this rejection should be withdrawn.

Rejection of Claims 4, 10-15 and 18-20 as Being Obvious

In the Office Action, the examiner rejected claims 4, 10-15 and 18-20 under 35 U.S.C. § 103(a) as being obvious over any of the ‘164 patent, ‘078 patent, ‘786 patent or ‘022 patent. While none of these references teach or suggest the limitation found in these claims, the examiner finds each of the limitations to be “matters of obvious design choice for an ordinary practitioner in the art.” Applicants’ submit that the obviousness rejections should be withdrawn because the limitations of these claims are not matters of obvious design choice.

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First, with respect to claim 4, the radii of the pleated wall is not suggested by a desire to change the surface area in order to affect the heat transfer through the heat exchanger wall. The radius is important because of the effects of the retort/sterilization process. The minimum radius improves the elastic return of the pleated wall shape after the pressure and heat of the retort process. There is nothing in the prior art or ordinary skill in the art which teaches or suggests this feature of Applicants' claimed invention. Indeed, the obvious design choice is to increase the thickness of the pleated wall in order to reduce the deformation caused by the retort process. Applicants innovated this feature and it is NOT a matter of obvious design choice.

Turning to claim 10, the helical shape of the vent does have a significant effect on the function of the device. The helical shape, as opposed to a straight groove, gives the groove a much longer path which allows the steam to cool before it is expelled from a vent hole. The longer path also gives the groove more total volume to contain the steam. There are many ways to accomplish this task and the Applicants' choice is far from obvious.

As for the limitations directed to the size of the calcium oxide particles, the examiner points to no teaching or disclosure in the prior art to specify particle size in order to influence the thermal reaction. Applicants dispute the examiner's unsupported conclusion that one of ordinary skill in the art would find this obvious in view of the fact that smaller particles increase surface area, thus increasing reaction rate. To our knowledge, those skilled in the relevant art of self-heating containers have not considered reaction rates and particle size. Again, the examiner is requested to provide proof of this conclusion.

Claims 24 and 25 depend from claim 1, or an intervening claim, and are patentable over the prior art for at least the same reasons applicable to claim 1 as discussed above.

Accordingly, Applicants submit that none of these claims are obvious in view of the cited

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prior art and that this rejection should be withdrawn.

Allowable Subject Matter

Applicants gratefully acknowledge that examiner's indication that claims 5 and 6 present patentable subject matter and would be allowable is rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any claim amendments which are not specifically discussed in the above remarks are not made for reasons of patentability, do not affect the scope of the claims, and it is respectfully submitted that the claims satisfy the statutory requirements for patentability without the entry of such amendments. These amendments have only been made to increase claim readability, to improve grammar, or to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the examiner's rejections have been overcome. Accordingly, allowance is earnestly solicited. If the examiner feels that a telephone interview could expedite resolution of any remaining issues, the examiner is encouraged to contact Applicants' undersigned representative at the phone number listed below.

Dated: December 14, 2005

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Respectfully submitted,

By: \_\_\_\_\_

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**REMARKS**

Applicants submit this Supplemental Amendment in order to further amend the claims in addition to the amendments submitted in the Amendment and Response having a facsimile date of December 14, 2005. Claims 1-25 were pending and at issue prior to this amendment. Claims 11, 12, 14, 15 18 and 19 have been amended herein and no new matter has been added. For example, the claims as amended are supported at least at page 29 of the original specification.

This Supplemental Amendment corrects some errors in the status listed for original claims in the claims listing of the December 14, 2005, Amendment and Response. Also, claims 11, 12, 14, 15 18 and 19 have been amended to more clearly recite the scope of the claims.

**Conclusion**

Any claim amendments which are not specifically discussed in the above remarks are not made for reasons of patentability, do not affect the scope of the claims, and it is respectfully submitted that the claims satisfy the statutory requirements for patentability without the entry of such amendments. These amendments have only been made to increase claim readability, to improve grammar, or to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

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Dated: December 21, 2005

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